

From: Eddie Birmingham
To: Microsoft ATR
Date: 1/27/02 8:44pm
Subject: Microsoft Settlement

United States Department of Justice:

I am a Software Developer and have been watching the Microsoft case from the beginning. I DO NOT support the US DOJ's position on Microsoft for reasons I have outlined below:

1. The software I am developing is called TLMAXCAP (tlmaxcap.com). It is a program designed to help smaller companies/manufacturers, that ship product on semi trailers, manage their shipments. It includes functionality for importing data from their existing computer system, printing of important shipping documents like Carrier Confirmation Reports and Bills of Lading, and it allows an unskilled person to arrange the product on the trailer so that weight is distributed evenly over the entire trailer. This product was developed with Microsoft Access and Microsoft Visual Basic.
2. Furthermore, it is only because of products like MS Access and MS VB that this new software can be developed by one person (me), in a one bedroom apartment for under \$7,000 and in only three months. In fact, the cost of the software was less than \$1,200. This doesn't mean I couldn't have used another software alternative. It does mean it would have cost ME more time and money and the software would probably not have been as feature rich.
3. Furthermore, by using my software, companies will be able to cut down on the number of errors and mis-calculations in the shipping process. For example, one "standard" operating procedure in the shipping industry is to have a semi-trailer weighed before it actually "hits the road". If the load is not arranged properly (e.g. over-weight), the driver returns to the Shipper and has the problem resolved. Some of the benefits of reducing the number of times this "procedure" occurs, include: saving Driver time and money, less gas used (less pollution), saving the Shipper time and money, and better efficiency for everyone in the supply chain.
4. Furthermore, I believe these facts dispute the claim by the US DOJ that I am a helpless consumer. I know what I want and I know how to get it. I have molded Access and VB to fit my needs and have exploited the features of those two products to offer an exceptionally powerful product at an exceptionally attractive cost to Customers. I would challenge the Court to come up with a better solution to offer the same product, with the same features, as I have developed -- real OR imagined.

5. Like most American's, I want to become successful. This level of success will be determined by me, but TLMAXCAP is a step in the right direction. It just so happens there is free software out on the Internet that does some of what my software does. Should I sue them? What if other competitors decide to lower their prices in response to my software? Should I sue them? Should they sue me for having a lower price? What if a price war breaks out and pretty soon my software is \$1. I can't live off of \$1 software, so hopefully I would have a better business model that would allow me to outlive (in a business sense) some competitors so I could start charging something for my software again. Should they sue? Should I sue? Okay, so I won't give my software away, but at what price does it become anti-competitive?? It would be a race to the courthouse! Should I even be having these concerns?? How much am I going to have to raise the cost of my software by so I can have a little war chest just for litigation? Who wins??

6. Finally, I am not a Microsoft fanatic. I am not offering this information as a confession or a justification, but only so the Court knows my real view: I want the best products and I don't care who builds them; I believe the free markets and competitive nature within, will afford me this. I am typing this e-mail using Netscape and Netscape Navigator is my browser of choice. I hate IE and I have expressed this distaste to Microsoft and my reasons for this "hate". I would not use IE simply because Microsoft developed it (that would make me a fanatic ;). In fact, my *only* complaint about Netscape is that whenever I hear about this DOJ vs. Microsoft case I am reminded that one of the major players is Netscape (AOL, now) and that leaves a bad taste in my mouth -- that I am actually supporting the very anti-competitive vermin responsible for this whole mess. I would only like to point out that Netscape was able to beat its previous competitor, Mosaic, with a better product, Navigator (it was once just called Netscape). Mosaic was Free, but Netscape was better. So if Netscape was able to beat Mosaic in the free markets of the United States, why can't they beat IE?? If Netscape was still trying to be competitive (which this Court Case has assured is not happening) they would be out showing the world how their browser is better because it doesn't crash as often, it doesn't do a bunch of stuff on their PC they don't know about, they are less prone to virus attacks, they are much easier to configure, they aren't tied into a million other parts of the OS so there are less parts to break, etc. etc. In any case, I think this is a question for the market place to answer, and not the Courts.

Thank you for your time,
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